



December 7, 1999

Mr. Gary W. Smith, Legal Advisor
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR99-3519

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131363.

The City of Baytown (the "city") received a request for copies of offense reports involving certain named individuals. You state that the documents responsive to the request involve the sexual assault of a child. You claim that the information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by statute. Section 261.201(a) of the Family Code provides that:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The requested information consists of reports of alleged sexual abuse of a child and records used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. We therefore conclude that the requested information is confidential under section 261.201(a) of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (construing predecessor statute). Accordingly, the city must withhold the information from disclosure under section 552.101 of the Government Code as information made confidential by law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/cwt

Ref: ID# 131363

Encl. Submitted documents

cc: Mr. Matt Wingo
Wingo International Investigations
121 Coleman
Angleton, Texas 77515
(w/o enclosures)